

**DECISION**

**THE COMPTROLLER GENERAL  
OF THE UNITED STATES**  
WASHINGTON, D.C. 20548

**FILE:** B-211361.2

**DATE:** June 8, 1983

**MATTER OF:** Starck Van Lines of Columbus, Inc. - Recon-  
sideration

**DIGEST:**

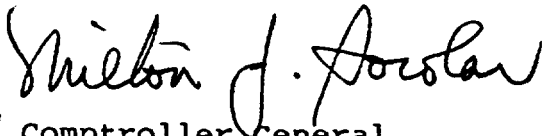
Protesters have constructive notice of GAO's Bid Protest Procedures since they are published in the Federal Register and Code of Federal Regulations, and cannot rely on their alleged unawareness of the procedures or the allegedly erroneous advice of contracting personnel to excuse the failure to comply with the procedures' timeliness requirements.

Starck Van Lines of Columbus, Inc. requests reconsideration of our decision B-211361, May 6, 1983, 83-1 CPD \_\_\_\_\_, dismissing its protest under Air Force invitation for bids No. F33601-83-B-0007 as untimely. The protester had failed to file the protest with this Office within 10 working days after receiving formal notification of initial adverse action on an initial protest filed with the contracting agency. As its basis for reconsideration, Starck complains that the invitation did not notify bidders of the availability of this forum for protest, and that the contracting officer did not advise Starck of our review function when she denied the firm's protest. The protester also alleges that the contracting officer led it to believe that it could not protest to our Office until after an award decision was made. Starck therefore urges us to consider the merits of its complaint.

Since our Bid Protest Procedures, which set forth our timeliness requirements, have been published in the Federal Register (at 40 Fed. Reg. 17979 (1975), as amended by 48 Fed. Reg. 1931 (1983)) and the Code of Federal Regulations (at 4 C.F.R. part 21 (1983)), under the law the public is on constructive notice of their contents. Wahl Clipper Corporation, B-207064, June 1, 1982, 82-1 CPD 512. Potential protesters therefore have fair notice of our filing requirements, see Coventry Manufacturing Company, Inc., B-201626, April 21, 1981, 81-1 CPD 304, and cannot rely on

their alleged unawareness of our procedures or on the allegedly erroneous advice of contracting personnel to excuse the failure to comply with the timeliness rules. Impact Instrumentation, Inc.--Reconsideration, B-198704, October 3, 1980, 80-2 CPD 239.

The prior decision therefore is affirmed.

*for*   
Comptroller General  
of the United States